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**FILED**

DEC 26 2012

*[Signature]*  
CLERK

Christopher J. Hatchett #2253065  
Name and Prisoner/Booking Number

Pennington County Jail  
Place of Confinement

307 St. Joseph Street  
Mailing Address

Rapid City, S.D. 57701  
City, State, Zip Code

UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH DAKOTA  
Western DIVISION

Christopher James Hatchett  
(Full Name of Plaintiff)

Case No. 12-5094  
(To be supplied by the Clerk)

Plaintiff,

vs.

Pennington County Jail et al.

Munsch

Miller

Edwards

(Full Name of Each Defendant)

Defendants.

**CIVIL RIGHTS COMPLAINT  
BY A PRISONER**

- ☒ Original Complaint  
☐ First Amended Complaint  
☐ Second Amended Complaint

**A. JURISDICTION**

1. This Court has jurisdiction over this action pursuant to:
- ☒ 28 U.S.C. § 1343(a)(3); 42 U.S.C. § 1983
  - ☐ 28 U.S.C. § 1331; *Bivens v. Six Unknown Federal Narcotics Agents*, 403 U.S. 388 (1971).
  - ☐ Other: (Please specify.) \_\_\_\_\_

2. Name of Plaintiff: Christopher James Hatchett  
Present mailing address: 307 St. Joseph Street Rapid City, S.D. 57701  
(Failure to notify the Court of any change of address may result in dismissal of this action.)

Institution/city where violation occurred: Pennington County Jail - Rapid City, S.D.

E

3. Name of first Defendant: PENNINGTON COUNTY JAIL <sup>ET AL.</sup> The first Defendant is employed as:  
PENNINGTON COUNTY JAIL at PENNINGTON COUNTY JAIL  
 (Position and Title) (Institution)

This Defendant is sued in his/her: ☒ individual capacity ☒ official capacity (check one or both)

Explain how this Defendant was acting under color of law: Failed to protect me from CRUEL AND UNUSUAL PUNISHMENT

4. Name of second Defendant: Miller The second Defendant is employed as:  
Correctional Officer at PENNINGTON COUNTY JAIL  
 (Position and Title) (Institution)

This Defendant is sued in his/her: ☒ individual capacity ☒ official capacity (check one or both)

Explain how this Defendant was acting under color of law: USED UNNECESSARY FORCE, RACIAL COMMENTS, ALMOST BROKE WRIST,

5. Name of third Defendant: Edwards The third Defendant is employed as:  
Correctional Officer - at PENNINGTON COUNTY JAIL  
 (Position and Title) (Institution)

This Defendant is sued in his/her: ☒ individual capacity ☒ official capacity (check one or both)

Explain how this Defendant was acting under color of law: USED UNNECESSARY FORCE, RACIAL COMMENTS, ALMOST BROKE WRIST, VIOLATING MY 8<sup>TH</sup> AMENDMENT RIGHTS TO BE FREE FROM CRUEL AND UNUSUAL PUNISHMENT

6. Name of fourth Defendant: Sgt Munsch The fourth Defendant is employed as:  
Correctional Officer - Corporal at PENNINGTON COUNTY JAIL  
 (Position and Title) (Institution)

This Defendant is sued in his/her: ☒ individual capacity ☒ official capacity (check one or both)

Explain how this Defendant was acting under color of law: USED UNNECESSARY FORCE, RACIAL COMMENTS, ALMOST BROKE WRIST, VIOLATING MY 8<sup>TH</sup> AMENDMENT RIGHTS TO BE FREE FROM CRUEL PUNISHMENT

(If you name more than four Defendants, answer the questions listed above for each additional Defendant on a separate page.)

## B. PREVIOUS LAWSUITS

1. Have you filed any other lawsuits while you were a prisoner? ☐ Yes ☒ No

2. If your answer is "yes," how many lawsuits have you filed? \_\_\_\_\_. Describe the previous lawsuits in the spaces provided below.

3. First prior lawsuit:

a. Parties to previous lawsuit:

Plaintiff: \_\_\_\_\_

Defendants: \_\_\_\_\_

(3)

## Additional Defendants

NAME of the fifth Defendant: Capt. Haga, The fifth Defendant is employed as: Captain at Pennington County Jail.

✓ This Defendant is being sued in his/her: Individual capacity and official capacity.

Explain how this Defendant was acting UNDER COLOR OF LAW: Captain Brook Haga is ABUSING her position of respect by COVERING UP the FACT that her staff has ABUSED me. "I'm a mental Health inmate" and I HAVE the right to be FREE from CRUEL AND UNUSUAL Punishment which is a violation to 8<sup>th</sup> Amendment Constitution of the United States of America.

Also see: Edward P. Blackcloud vs. KN Mgr Nicleure et al CIV. 10-5090-JLV on file with Jeffrey L. Viken.

On Capt Brook Haga's treatment on AMERICAN INDIANS INSIDE PENNINGTON COUNTY JAIL

(4)

- b. Court: (If federal court, identify the district; if state court, identify the county.) \_\_\_\_\_
- c. Case or docket number: \_\_\_\_\_
- d. Claims raised: \_\_\_\_\_
- e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
- f. Approximate date lawsuit was filed: \_\_\_\_\_
- g. Approximate date of disposition: \_\_\_\_\_
4. Second prior lawsuit:
- a. Parties to previous lawsuit:  
Plaintiff: \_\_\_\_\_  
Defendants: \_\_\_\_\_
- b. Court: (If federal court, identify the district; if state court, identify the county.) \_\_\_\_\_
- c. Case or docket number: \_\_\_\_\_
- d. Claims raised: \_\_\_\_\_
- e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
- f. Approximate date lawsuit was filed: \_\_\_\_\_
- g. Approximate date of disposition: \_\_\_\_\_
5. Third prior lawsuit:
- a. Parties to previous lawsuit:  
Plaintiff: \_\_\_\_\_  
Defendants: \_\_\_\_\_
- b. Court: (If federal court, identify the district; if state court, identify the county.) \_\_\_\_\_
- c. Case or docket number: \_\_\_\_\_
- d. Claims raised: \_\_\_\_\_
- e. Disposition: (For example: Was the case dismissed? Was it appealed? Is it still pending?) \_\_\_\_\_
- f. Approximate date lawsuit was filed: \_\_\_\_\_
- g. Approximate date of disposition: \_\_\_\_\_

(If you filed more than three lawsuits, answer the questions listed above for each additional lawsuit on a separate page.)

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## C. CAUSE OF ACTION

## COUNT I

1. The following constitutional or other federal right has been violated by the Defendant(s): \_\_\_\_\_

8th Amendment Violation

2. Count I involves: (Check only one; if your claim involves more than one issue, each issued should be stated in a different count)
- |   |  |   |
|---|--|---|
| <input type="checkbox"/> Medical care                             | <input type="checkbox"/> Access to the court | <input type="checkbox"/> Mail                 |
| <input type="checkbox"/> Disciplinary proceedings                 | <input type="checkbox"/> Retaliation         | <input type="checkbox"/> Exercise of religion |
| <input checked="" type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety    | <input type="checkbox"/> Property             |
| <input type="checkbox"/> Other: _____                             |  |   |

3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count I. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).

ON INFORMATION AND BELIEF UNDER COLOR OF STATE LAW, PENNINGTON COUNTY JAIL ET AL ON OR ABOUT 10/28/2012 2:30 P.M.  
I WAS PULLED OUT OF MY CELL FOR A SHAKEDOWN BY SGT. MUNSCH, C/O MILLER, AND C/O EDWARDS. WHEN I WAS PLACED BACK INTO THE CELL, THEY HAD ME PACK UP TO THE FOOD TRAY SLOT WHILE CUFFED, I COMPLIED. THE RIGHT CUFF WAS TAKEN OFF AND THEY WAS STRUGGLING WITH THE OTHER CUFF SO I TRIED TO STICK MY ARM OUT FURTHER SO SGT. MUNSCH COULD TAKE THE CUFF OFF, I HEARD YOU FUCKEN INDIANS ARE ALL THE SAME.  
NEXT THING I KNOW ALL 3 DEPUTY SHERIFFS STARTED YANKING, PULLING, AND TWISTING MY WRIST THAT STILL HAD THE CUFF ON IT, I STARTED SCREAMING THAT THEY WAS BREAKING MY WRIST. I HIT THE DOOR WITH MY RIGHT HAND CLOSE HANDED, THAT CAUSED MY MIDDLE KNUCKLE TO BE DISPLACED, JAIL REFUSED TO TAKE ME TO HOSPITAL TO GET X-RAYS OF INJURIES! I HAD SGT. REYNOLDS TAKE PICTURES OF ALL OF MY INJURIES!

4. **Injury:** (State how you have been injured by the actions or inactions of the Defendant(s)).

PHYSICAL, MENTAL, & EMOTIONAL ABUSE & ANGUISH.  
LEFT WRIST WAS ALMOST BROKE, CUTS AND SCRATCHES, SWOLLEN, BRUISING ON LEFT HAND & FOREARM, AND DISPLACED RIGHT MIDDLE KNUCKLE! HAVE SCARS FROM INJURIES! IN FEAR OF MORE MISTREATMENT & PUNISHMENT!

5. **Administrative Remedies:**

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Count I? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Count I to the highest level? ☒ Yes ☐ No
- d. If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. I WAS TOLD I BETTER STOP FILING GRIEVANCES OR I'LL NEVER GET OUT OF AD-SEGO.

Will continue to file!

Exhausted grievance to Jail Commander (enclosed)



(e)

## COUNT II

1. The following constitutional or other federal right has been violated by the Defendant(s):  
8TH AMENDMENT VIOLATION
2. Count II involves: (Check only one; if your claim involves more than one issue, each issued should be stated in a different count)
- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Medical care                  | <input type="checkbox"/> Access to the court         | <input type="checkbox"/> Mail                 |
| <input type="checkbox"/> Disciplinary proceedings      | <input checked="" type="checkbox"/> Retaliation      | <input type="checkbox"/> Exercise of religion |
| <input type="checkbox"/> Excessive force by an officer | <input checked="" type="checkbox"/> Threat to safety | <input type="checkbox"/> Property             |
| <input type="checkbox"/> Other: _____                  |  |   |
3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count II. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).  
CAPT. BROOK HAGA FAILED TO UNDERSTAND I HAVE A HISTORY OF MENTAL PROBLEMS INSTEAD OF HELPING ME, SHE'S PUNISHING ME FOR WHAT HER STAFF HAS DONE TO ME SINCE I FIRST STARTED COMING TO KENTUCKY COUNTY JAIL.  
AN INMATE SHOULD NOT BE PUNISHED IF HE IS ON MENTAL HEALTH MEDICATIONS.  
I'm being held in Ad. Seg. against my will, and for the jail's mistake of allowing 3 correctional officers in uniform to mistreat me, make racial comments, harm me physically, emotionally, and mentally, and try to cover up!
4. **Injury:** (State how you have been injured by the actions or inactions of the Defendant(s)).  
MENTAL AND PHYSICAL ABUSE, I'm on mental health MEDICATIONS: Remeron, Abilify, Doxepin
5. **Administrative Remedies:**
- Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
  - Did you submit a request for administrative relief on Count II? ☒ Yes ☐ No
  - Did you appeal your request for relief on Count II to the highest level? ☒ Yes ☒ No
  - If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. I'VE BEEN THREATENED BY STAFF FOR USING THE GRIEVANCE SYSTEM, I'M IN FEAR OF PUNISHMENT, BUT I'm gonna try AND KEEP FILING GRIEVANCES.

Exhausted grievances to Jail Commander (enclosed)

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## COUNT III

1. The following constitutional or other federal right has been violated by the Defendant(s): \_\_\_\_\_

ETHAN JENNINGS VIOLATION

2. Count III involves: (Check only one; if your claim involves more than one issue, each issued should be stated in a different count)
- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Medical care                                | <input type="checkbox"/> Access to the court           | <input type="checkbox"/> Mail                 |
| <input type="checkbox"/> Disciplinary proceedings                    | <input type="checkbox"/> Retaliation                   | <input type="checkbox"/> Exercise of religion |
| <input type="checkbox"/> Property                                    | <input type="checkbox"/> Excessive force by an officer | <input type="checkbox"/> Threat to safety     |
| <input checked="" type="checkbox"/> Other: <u>FAILURE TO PROTECT</u> |  |   |

3. **Supporting Facts:** (State as briefly as possible the FACTS supporting Count III. Describe exactly what each Defendant did or did not do to violate your rights. State the facts clearly in your own words without citing legal authority or arguments).

KENDRICK COUNTY JAIL HAS FAILED TO PROTECT ME FROM HARM BY THEIR OWN STAFF. INSTEAD THEY (PCJ) MAKE MY WORK LOOK LIKE I WAS AT FAULT ON OCTOBER 28, 2012 AT 2:30 P.M. THE JAIL IS SUPPOSE TO PROTECT ALL STATE AND FEDERAL INMATES FROM ALL HARM, BUT ALLOWED 3 CORRECTIONAL OFFICERS (MUNSCHE, MILLER, AND EDWARDS) IN UNIFORM TO ABUSE AND HARM ME BY USING UNNECESSARY AND EXCESSIVE FORCE, WHICH RESULTED IN ME BEING INJURED AS FOLLOWS:

4. **Injury:** (State how you have been injured by the actions or inactions of the Defendant(s)).

PHYSICAL, MENTAL, AND EMOTIONAL ABUSE! CUT ON LEFT WRIST FROM HANDCUFF BEING PULLED ON, CUTS ON INNER-UPPER FOREARM, FROM TRAY SLOT, BRUISES ON LEFT HAND AND FOREARM FROM ALL 3 C.O.'S YANKING AND TWISTING ARM WITH CUFF ON IT!

5. **Administrative Remedies:** SCARS & DISPLACED BONES!

- a. Are there any administrative remedies (grievance procedures or administrative appeals) available at your institution? ☒ Yes ☐ No
- b. Did you submit a request for administrative relief on Count III? ☒ Yes ☐ No
- c. Did you appeal your request for relief on Count III to the highest level? ☐ Yes ☒ No
- d. If you did not submit or appeal a request for administrative relief to the highest level, briefly explain why you did not. I'VE BEEN THREATENED FOR LITIGATING THE GRIEVANCE SYSTEM. BEING HELD IN AD. SEG.

EXHAUSTED GRIEVANCES TO JAIL COMMANDER (ENCLOSED)

(If you assert more than three Counts, answer the questions listed above for each additional Count on a separate page.)

\*Count 4\*

1.) 8th Amendment Violation

2.) Medical Care

3.) After I was injured on Oct. 28, 2012 at 2:30 P.M. from 3 correctional officers (Munsch, Miller & Edwards of Pennington County Jail). I asked to be seen by medical cause of my injuries, and I was examined by (Cody?) medical, I asked to have x-rays taken but was denied treatment, and told I didn't need x-rays.

4.) Left wrist almost broken, deep cut around left wrist from handcuff, cuts on inner-upper forearm, displaced right middle knuckle, bruises on left hand and forearm.

Mental, Physical, and Emotional Abuse and Anguish!!

I'm in fear of more mistreatment and punishment.

5.) a.) yes

b.) no

c.) no

d.) I was told this was not grievable, cause it's a medical issue, and was handled properly by medical!

Will continue to file grievances!

Exhausted grievances to Jail Commander (enclosed). Haga tried to retake pictures of all my injuries after they healed, but I refused cause I had Reynolds take pictures of my injuries after the incident, so they already have pictures of my injuries!



\* Count 5 \*

1.) 8<sup>th</sup> Amendment Violation

2.) Disciplinary Proceedings

3.) I received 20 day lockdown for a fight on Sept. 7, 2012! I was maced and moved to Ad. Seg. and been here for over 3 months and counting! I'm being treated unfairly, and believe just cause I'm a American Indian, there is prejudice involved, cause of the comment munsch made, "You fucken Indians are all the same!" There is clearly mistreatment of myself along with other American Indian inmates here in Ad. Seg. that are being treated unfairly for (things that happened in past) and being held in Ad. Seg. against our wills! Most of us in Ad. Seg. are mental health patients, cause we take psych medication, and continue to be mistreated by Pennington County Jail!

4.) Mental, physical, and Emotional Abuse and mistreatment! It's hard to cope mentally and physically being isolated from general population!

5.) a.) yes

b.) yes

c.) yes

d.) Being threaten for using grievances! Waiting for a reply from the Jail Commander to exhaust appeal and grievance process!

Exhausted grievances to Jail Commander and got reponse in letter form (enclosed)!

\* Count 6 \*

1.) 8th Amendment Violation

2.) Assault (Abuse) from a officer(s)

3.) On information and belief under color of State Law, Pennington County Jail Et Al, on or about 10/28/12 at 2:30 P.M. Correction Officers (Munsch, Miller, and Edwards) pulled, yanked, and twisted my left <sup>wrist</sup> arm when taking off handcuffs behind my back, which resulted in me being injured!

4.) Mentally, Physically, & Emotionally traumatized. Deep cut all the way around left wrist from cuff, cuts on inner-upper left forearm, almost broke left wrist, and misplaced middle right knuckle! In fear of more mistreatment and punishment!

5.) yes

b.) yes

c.) yes

d.) I wrote letters to chain of command, only got letters back from Captain Iloga (enclosed) and talked with Jail Commander. He stated, "He ain't giving no one copies of injuries, video footage, and reports, unless, I file a lawsuit, and file motion for discovery!" Waiting to get letter & grievance response from Jail Commander to exhaust my grievances! (enclosed)

I'm in fear of more punishment cause of this lawsuit! I'm still being held in Ad. Seg. for no reason!

I'm continuing to file grievances, even though they say it's not grievable, and they ain't following their grievance due process!

## \* Count 7 \*

1.) 8<sup>th</sup> Amendment Violation

2.) Emotional Anguish

3.) On Oct. 28, 2012, I was pulled out of cell 9 handcuffed behind back for Shakedown, and placed back in cell afterwards. I backed up to tray slot to take off handcuffs, Munsch got right cuff off, and struggled with left cuff, so I try sticking my left arm out further to get cuff off! Munsch said, "You fucken Indians are all the same!" next thing I know my whole left arm is being pulled, yanked, and twisted with cuff still on left wrist! Being held in Ad. Seg. against my will, and for no reason.

4.) Almost broke left wrist, deep cut from handcuff, cuts on inner - upper forearm, swollen left wrist, displaced right middle knuckle, bruising on left hand and forearm. Physical, Mental, and Emotional Abuse and Anguish! In fear of more mistreatment and punishment.

5.) a.) yes

b.) yes

c.) yes

d.) waiting on a response in letter form for appeal from Jail Commander James Rowenhorst.

I been threatened for filing grievances, but will continue to file them to exhaust grievance procedure! I finally got a response in letter form to exhaust grievance process from Jail Commander (enclosed)!

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**D. REQUEST FOR RELIEF**

State briefly what you want the Court to do for you.

- 1) 20 million dollars, 2) Demand Jury Trial, 3) A Full Investigation on the treatment of American Indians that are in the Pennington County Jail, 4) The cost of this suit, 5) Requesting a Court appointed Attorney to help me with this suit cause I am on mental health medications

I declare under penalty of perjury that the foregoing is true and correct.

Executed on \* 12/17/12  
DATE

\* Christopher J. Stachett  
SIGNATURE OF PLAINTIFF

(Name and title or paralegal, legal assistant, or other person who helped prepare this complaint)

(Signature of attorney, if any)

(Attorney's address & telephone number)

**ADDITIONAL PAGES**

All questions must be answered concisely in the proper space on the form. If needed, you may attach additional pages. The form, however, must be completely filled in to the extent applicable.